

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ACE AMERICAN INSURANCE COMPANY  
a/s/o GREGORY P. MICHAEL

2008 Civ. 5229 (BSJ)

Plaintiff

**RETURN OF SERVICE**

-against-

M/V CIAO BELLA, her engines, boilers,  
tackle, apparel, etc., *in rem*, and JACK  
MARTINO, *in personam*,

Defendants,

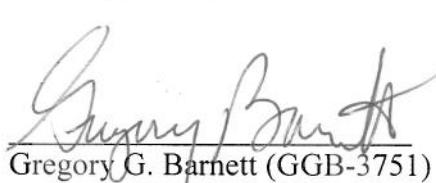
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Pursuant to Fed. R. Civ. P. Rule 4, the plaintiff hereby makes proof of service to the Court. The plaintiff attaches hereto Exhibit 1, the Affidavit of Service executed by Bruce Kustka declaring under penalty of perjury under the laws of the United States that he served a true copy of the Summons and Complaint for the above referenced civil action upon Defendant Jack Martino on July 15, 2008 by affixing copies to the door of his residence and placing them in regular first class mail.

Dated: New York, New York  
July 22, 2008  
230-34

CASEY & BARNETT, LLC  
Attorneys for Plaintiff

By:

  
Gregory G. Barnett (GGB-3751)  
317 Madison Avenue, 21<sup>st</sup> Floor  
New York, New York 10017  
(212) 286-0225

ACE AMERICAN INSURANCE COMPANY A/S/O GREGORY P. MICHAEL

Index #: 08 CV 5229 (JONES)

Plaintiff(s)

- against -

Date Filed:

M/V CIAO BELLA, ETAL

**AFFIDAVIT OF SERVICE**

Defendant(s)

Attorney File #1: 230-34

STATE OF NEW YORK: COUNTY OF NEW YORK ss:

BRUCE KUSTKA BEING DULY SWORN DEPOSES AND SAYS DEPONENT IS NOT A PARTY TO THIS ACTION AND OVER THE AGE OF EIGHTEEN YEARS AND RESIDES IN THE STATE OF NEW YORK.

That on July 15, 2008 at 08:03 PM at

36 SPINNAKER LANE  
EAST PATCHOGUE, NY 11772

deponent served the within true copy/copies of the SUMMONS &amp; COMPLAINT on JACK MARTINO, the defendant/respondent therein named,

**AFFIXING TO DOOR** by affixing a true copy/copies of each to the door of said premises, which is the defendant's/respondent's dwelling house/usual place of abode within the state. Deponent was unable, with due diligence to find the defendant/respondent or a person of suitable age and discretion, thereat, having called there on:

June 17, 2008 AT 7:51 AM

July 5, 2008 AT 3:06 PM

July 15, 2008 AT 8:03 PM

**MAILING** Deponent enclosed a true copy/copies of same in a postpaid wrapper properly addressed to the defendant/respondent at the defendant's/respondent's last known residence at

36 SPINNAKER LANE  
EAST PATCHOGUE, NY 11772

and deposited said wrapper in a post office or official depository under exclusive care and custody of the United States Postal Service within New York State on July 16, 2008 by REGULAR FIRST CLASS MAIL in an envelope marked PERSONAL & CONFIDENTIAL and not indicating on the outside envelope thereof, by return address or otherwise that the communication is from an attorney or concerns an action against the party to be served.

**MILITARY SERVICE** Person spoken to was asked whether the defendant was in the military service of the State of New York or the United States and received a negative reply. Upon information and belief based upon the conversation and observation as aforesaid deponent avers that the defendant is not in the military service of the State of New York or the United States as that term is defined in the statutes of the State of New York or the Federal Soldiers and Sailors Civil Relief Act.

Sworn to me on: July 16, 2008

Linda Forman  
Notary Public, State of New York  
No. 01FO5031305  
Qualified in New York County  
Commission Expires August 1, 2010

Robin M. Forman  
Notary Public, State of New York  
No. 01FO6125415  
Qualified in New York County  
Commission Expires April 18, 2009

Larry Yee  
Notary Public, State of New York  
No. 01YE5015682  
Qualified in New York County  
Commission Expires July 26, 2009

BRUCE KUSTKA

Docket #: 567516

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